IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1947.

DANIEL KING, ROBERT GOLDSMITH, ALBERT DALLAS, JOHN R. JUDGE, TOBIN ANDERSON, JULIUS HOFF, CHESTER WALK, JOHN ROONEY and FRANK DEMPSEY, for and on Behalf of Themselves and All Other Patrolmen, Sergeants and Turnkeys of the Metropolitan Police Force of the City of St. Louis, Similarly Situated, Appellants,

vs.

H. SAM PRIEST, THOMAS H. COBBS, FRANCIS L. GEORGE, BEN L. LIBERMAN and ALOYS P. KAUFMANN, Constituting the Board of Police Commissioners of the City of St. Louis, Appellees.

No. 630.

Appeal from the Supreme Court of the State of Missouri.

APPELLANTS' PETITION FOR REHEARING.

Now come the appellants in the above entitled cause, and pray the Court to reconsider its decision rendered herein on the 15th day of March, 1948, dismissing the appeal herein, and for grounds therefor state:

The Court has overlooked the fact that appellants are denied the right to assemble and petition their state government and their superior officers for redress of their

grievances. The following is a simple illustration of many grievances that could be cited: deducting from appellants' pay sums of money for contribution to charitable organizations not connected with the police department, such deductions having been made without the consent of the employees, and regardless of the financial situation of their immediate families. This court has overlooked the fact that even the Missouri Supreme Court has stated in **City of Springfield v. Clouse**, 206 S. W. (2) 539, l. c. 542, that both officers and employees of the state, even judges of the Court, have the inherent right to assemble and petition the government; but that same Court, concurrently with its decision in the aforesaid case, has denied that right to the appellants, even though the Missouri Supreme Court holds said right to be inherent.

If appellants had been permitted to offer evidence in this case, they would have been able to show that organized police departments are not new or dangerous to the public welfare. The police of Washington, D. C., are authorized by statute to become members of unions, such as that involved here, which pledge themselves against strikes and other principles generally recognized as legitimate in ordinary labor unions. Act of Dec. 5, 1919, Section 1, Par. 9, 41 Stat. 364; Act of Jan. 24, 1920, Section 2, 41 Stat. 398. Appellants could also have shown that the entire membership of the police department of England and Scotland, commonly known as Scotland Yard, has belonged to a union since 1914, by statute. There never has been the slightest disloyalty of either of these organizations. Their reputations are above reproach.

The Missouri Supreme Court held, in **City of Springfield v. Clouse**, 206 S. W. (2) 539, l. c. 543, that state employees who belong to labor unions and who discuss their problems with their superiors, through representatives of their own choosing, are not engaged in collective bargaining as

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that term is generally understood. However, that right has been denied these appellants.

The very soul of our Democracy, as breathed into the Declaration of Independence, is contained in the first ten amendments to our Constitution and especially the guarantee that all citizens shall have the right to assemble and petition their government for the redress of their grievances. The denial of this right, even to a policeman, strikes at the very soul of the nation, and when it dies, American Democracy will perish.

This Court, in **United Public Workers v. Mitchell**, 330 U. S. 75, 91 L. Ed. 509, 67 S. Ct. 556, held the Hatch Act constitutional, and stated that said act was designed to protect governmental employees from political abuses. The appellants have no such protection in Missouri, however; they, the forgotten men of their city and state, are trying, through the union in question, to accomplish for themselves and their coemployees what the Hatch Act is accomplishing for the federal employees. They are trying through their union collectively to call to the attention of their state government and their fellow citizens the abuses which are frequently heaped upon them and which, as individuals, they are unable to fight.

The rule of the police commissioners is oppressive and tyrannical, and has relegated the employees of the department to a substandard of citizenship, which no real American can tolerate very long.

Appellants respectfully request the Court to reconsider its order dismissing the appeal herein, and to note probable jurisdiction of the appeal in this cause.

Respectfully submitted,

S. D. FLANAGAN,
E. D. FRANEY,
Attorneys for Appellants.

Certificate of Counsel.

S. D. Flanagan and E. D. Franey, attorneys for the appellants in the above entitled cause, do hereby certify that the above and foregoing petition for a rehearing is presented in good faith and not for delay, and is believed by them to be meritorious.

S. D. Flanagan,
E. D. Franey,
Attorneys for Appellants.

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No. 630. KING ET AL. *v.* PRIEST ET AL. Appeal from the Supreme Court of Missouri. *Per Curiam:* The appeal is dismissed for want of a substantial federal question. MR. JUSTICE DOUGLAS and MR. JUSTICE RUTLEDGE are of the opinion that probable jurisdiction should be noted. *S. D. Flanagan* and *E. D. Franey* for appellants. *J. C. Taylor,* Attorney General of Missouri, for appellees. Reported below: 357 Mo. 68, 206 S. W. 2d 547.